

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

Tentative RESOLUTION NO. R9-2006-0129

SETTLEMENT OF POTENTIAL LIABILITY
AGAINST
GLENWOOD DEVELOPMENT COMPANY
FOR ALLEGED VIOLATIONS
OF
CLEANUP AND ABATEMENT ORDER NO. R9-2005-0259
MURRIETA, CALIFORNIA

Whereas, Directive No. 3 of Cleanup and Abatement Order No. R9-2005-0259 of the California Regional Water Quality Control Board, San Diego Region (hereinafter Directive No. 3, or CAO) required Palmilla, LLC, and Dendy Real Estate and Investment Company (hereinafter collectively referred to as Dendy) to complete no less than 1,045 linear feet of on-site restoration of wetlands/waters of the state by January 31, 2006 as a result of Dendy's unauthorized filling of an unnamed creek within the Palmilla project site at the northwest corner of Jackson Avenue and Nutmeg Street in the City of Murrieta, California (APN 949-020-037); the unnamed creek is tributary to Murrieta Creek and the Santa Margarita River, navigable waters of the United States within the San Diego Region; and

Whereas, on or about January 13, 2006, following the death of Dendy's principal, Glenwood Development Company (hereinafter Glenwood) obtained all interest in the Palmilla site from Dendy; and

Whereas, Glenwood was unable to comply with CAO Directive No. 3 within the time available under Directive No. 3 of the CAO after Glenwood had acquired the Palmilla site from Dendy, in part because Glenwood redesigned the Palmilla site project; and

Whereas, Glenwood offered to pay \$15,000 to the California State Water Resources Control Board's Cleanup and Abatement Account (hereinafter CAA) in settlement of all outstanding liability associated with the alleged violation of CAO Directive No. 3 and has requested a 30 month extension of the deadline for compliance with Directive No. 3 to accommodate restoration of the wetlands/waters of the state at the Palmilla site in conjunction with Glenwood's development of the re-designed project; and

Whereas, a notice of Glenwood's settlement offer was published in the Press Enterprise newspaper on October 5, 2006, and on the Regional Board's website on October 3, 2006, and no comments were received during the 30-day public comment period; and

Whereas, acceptance of Glenwood's settlement offer will obviate the need for the preparation and prosecution of enforcement against Glenwood and allow the Regional Board to re-allocate enforcement resources to other enforcement actions, and

Whereas, Glenwood has agreed to ensure full compliance with Regional Board orders at all current and futures sites within the State of California; and

Whereas, the amount of the settlement is sufficient to act as a deterrent to future violations of the CAO.

THEREFORE BE IT RESOLVED, that

1. The Regional Board accepts Glenwood's settlement offer to pay \$15,000 to the CAA *in lieu* of any enforcement proceeding to impose civil liability on Glenwood for violation of CAO Directive No. 3 to the date of this Resolution, and
2. The Regional Board adopts Addendum No. 1 to the CAO (Attachment A hereto), requiring Glenwood to comply with the CAO and extending the deadline for compliance with Directive No. 3 by 30 months.

Tentative

JOHN H. ROBERTUS
Executive Officer